

**Summary of IDEM Workgroup Meeting
ANTIDEGRADATION/OSRW**

Friday, November 22, 2002
IGCN, 12th floor, Conference Room D, Indianapolis
9:00am – 1:00p.m. E.S.T.

Introduction:

On Friday, November 22, 2002, IDEM staff met for the second time with a wide cross-section of stakeholders which make up the Antidegradation/OSRW workgroup. These notes are intended to be a summary of the major points from the meeting held at IDEM's IGCN offices.

The meeting was called to order by Larry Wu. Those in attendance for all of the meeting included: Art Umble, Bill Beranek, Bowden Quinn, Chad Frahm, Dan Olson, Kent Halloran, Neil Parke, Ralph Roper and Tom Simon. Charlotte Read was in attendance for most of the meeting via teleconference.

In addition, the following IDEM staff members were present for the entire meeting: David Kallander, Dennis Clark, John Nixon and Megan Wallace.

Summary:

The workgroup discussed the following:

1. The minutes from the last workgroup meeting were approved and everyone agreed they could be posted to IDEM's website.
2. Review and Approval of Guidelines (Task 2).
 - A. Roles and Responsibilities section - Task Manager was clarified to mean Program Staff.
 - B. Team Meetings section – The workgroup agreed that team members weren't "expected" to attend every workgroup meeting and steering committee meeting, but that it should be an aspiration or a goal for each team member.
3. Revisions to the workplan (Task 3).
 - A. Proposed Solution section – Get rid of the enumerated list. It is not part of the solution; it is part of Task 4.
 - B. Project Scope
 - 1) Clarify that the workgroup's guidance document is not a Nonrule Policy Document.
 - 2) Modify second to last bullet to read, " Deliverables from the workgroup include development of recommendations for rule language on the identified issues consistent with guidance from the Steering Committee".
 - 3) Modify last bullet to read, "Review IDEM's draft rule language".

- 4) Add new bullet to include Task 10, "Progress reports to the WPCB."
- C. Tasks and Timelines section- Workgroup members would like a gant chart developed to convey timelines in a more easily readable manner.
 - 1) Task 6 (Develop timeline with milestones for workgroup activities). Correct second bullet to read, "Finalize and approve tentative timelines and milestones at third workgroup meeting (12/19/02)."
 - 2) Task 8 (Discussion of background research reports and various issues identified in Task 4). Add to the third bullet that the first notice should mention the existence of the workgroup.
 - 3) Task 9 (Development of Recommendations for Rule Language)
 - a) Bullet one should clarify that Second Notice includes Draft Rule Language.
 - b) There was some discussion on the workgroup reviewing comments to Second Notice and providing input. Some members feel the public should be made aware of this. The issue on whether this is a good idea or not and how to do it will be brought to the Steering Committee's attention at their next meeting.
 - c) A bullet shall be added to read, "Production of an internal guidance document (First draft ready by August or September 2003)."
 - 4) Task 10 (Progress Reports to the WPCB)
 - a) A bullet shall be added to read, "Discuss at Steering Committee meeting how to report progress to the WPCB (December 10, 2002)."
 - b) A chart was suggested as being a useful way to make a schedule for such progress reports.
4. Agreement on issues to be the focus of the workgroup (Task 4)
 - A. A fundamental issue still to be resolved, whether the work will be focused on the non-GLI portion of the state, or if it would be statewide.
 - B. Whether this will be a single rule or several is still an issue. It was suggested that from the federal position, it would be easier to have two rules.
 - C. It is still agreed that the IDEM draft antidegradation issues outline is a good basis to frame the issues to be the focus of the workgroup.
 1. 1B2 – add e) BCC Vs Non-BCC
 2. 1B2—add f) conservative vs. nonconservative
 3. 2D – add 4) OSRW petition process
 4. Non-point source issues were discussed and should be placed either under 4A as an outstanding issue or maybe under a cost-benefit section. 4 should possibly read as follows:
 4. Other Outstanding Issues
 - A) GLI or statewide
 - B) BCC Vs non BCC
 - C) Conservative vs. nonconservative
 - D) Point source vs. nonpoint source

- D. The workgroup advised IDEM to address ONRW exactly how the federal government has done so.
 - E. The workgroup agreed that it would not focus on Tier 1 and Tier 3 at this time. IDEM should go ahead and develop draft rule language for Tier 1 and Tier 3 for the workgroup to review at a later date.
5. Identification of background research and technical assistance needs (Task 5)
- A. The WQAG report, SEA 431, and the decision tree have been distributed.
 - B. A suggestion was made for everyone to pick one document on the document list and summarize it. For now only a couple have been assigned and they are as follows:
 - 1. IDEM staff will be summarizing SEA 431 and federal requirements. Several memos that IDEM's legal council has written on SEA 431 will be reviewed and summarized.
 - 2. Art Umble will summarize Michigan, Illinois, Kentucky, and Ohio's antidegradation rules.
 - C. Additional Documents requested:
 - 1. Petition procedures for getting a body of water on the OSRW list.
 - 2. A list of dischargers to OSRW and exceptional use waters.
 - 3. A letter from Tim Method to EPA Region 5, drafted some time in March, 2002, regarding SEA 431 (P.L. 140-2000).
 - 4. EPA's approval/disapproval of the 2001 OSRW process.
 - D. Everyone is to review the WQAG report to see how we want to deal with Tier 2 issues. (Tier 2 will be the focus of the workgroup's activities.)
6. Develop timeline with milestones for workgroup activities (Task 6)
- A. We aren't going to set timelines until we have read the WQAG report and everyone is caught up to speed.
 - B. Once timelines are established, a gant chart will be developed to convey timelines in a more easily readable manner.
7. The next meeting will be Thursday, December 19, 2002, from 10:00a.m. To 2:00p.m. at the Indiana Department of Environmental Management, 100 North Senate Avenue, 13th floor, Conference Room OLC 1, Indianapolis, Indiana.